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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

Carlos Montes,

Defendant.

Case No. 2:20-cr-00168-RFB-DJA

**Second Stipulation to Continue
Pretrial Motion Deadlines and
Trial Dates**

The parties jointly request that this Court vacate the calendar call and trial dates currently scheduled for January 19 and 25, 2021 and continue them for at least 60 days. The parties also request until March 1, 2021 to file pretrial motions and notices of defenses under LCR 12-1(b).

The parties enter this stipulation because:

1. Defense counsel needs additional time to review the discovery, conduct additional investigation, and research any pretrial issues.
2. The defendant is not in custody and agrees to the continuance.
3. The parties agree to the continuance.

1 4. The additional time is to allow defense counsel to investigate and
2 litigate any necessary pretrial issues and to prepare for trial if this case cannot
3 be resolved through negotiations.

4 5. Additionally, denial of this request for continuance could result in a
5 miscarriage of justice. The additional time requested is excludable in computing
6 the time within which trial must commence under the Speedy Trial Act, 18
7 U.S.C. § 3161(h)(7)(A), based on the factors under § 3161(h)(7)(B)(i), (iv).

8 DATED: January 16, 2021.

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10 Rene L. Valladares
Federal Public Defender

Nicholas A. Trutanich
United States Attorney

11 /s/ *Erin Gettel*
12 By _____

/s/ *Brian Whang*
By _____

13 Erin Gettel
Assistant Federal Public Defender

Brian Whang
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 United States of America,

5 Plaintiff,

6 v.

7 Carlos Montes,

8 Defendant.
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Case No. 2:20-cr-00168-RFB-DJA

**Order Granting Second
Stipulation to Continue Pretrial
Motion Deadlines and Trial Dates**

10 Based on the stipulation of counsel, the Court finds that good cause exists
11 to continue the calendar call and trial dates for at least 60 days. The additional
12 time is to allow defense counsel to prepare for trial in the event this case cannot
13 be resolved short of trial and to investigate and litigate any necessary pretrial
14 issues. Montes is not in custody and agrees to the continuance. Additionally,
15 denial of the continuance could result in a miscarriage of justice. The additional
16 time is excludable in computing the time within which the trial must commence
17 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), based on the factors
18 outlined in §3161(h)(7)(B)(i), (iv).

19 IT IS THEREFORE ORDERED that trial briefs, proposed voir dire
20 questions, proposed jury instructions, and a list of the government's prospective
21 witnesses must be electronically submitted to the Court by the 7th day of
22 May, 2021, by the hour of 4:00 p.m.

23 IT IS FURTHER ORDERED that the parties will have until March 1,
24 2021, to file pretrial motions and notices of defenses under LCR 12-1(b).
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1 Responses and replies will be due within 14 and 7 days of service of the motion or
2 response, respectively. LCR 12-1(2)–(3).

3 IT IS FURTHER ORDERED that the calendar call currently scheduled for
4 January 19, 2021, at 1:30 p.m., is vacated and continued to May 11, 2021 at
5 1:30 p.m.; and the trial scheduled for January 25, 2021, at 9:00 am, is vacated
6 and continued to May 17, 2021 at 9:00 a.m.

7 DATED: January 16, 2021.

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10 RICHARD F. BOULWARE,
11 United States District Judge
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